

BEFORE THE FEDERAL ELECTION COMMISSION  
SECRETARIAT

2006 AUG 23 A 10: 29

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

The Office of General Counsel has scored MUR 5708 as a low-rated matter. Under the Enforcement Priority System, matters that are low-rated

The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The facts giving rise to this complaint involve respondent's, Jack Abramoff's, contributions to political committees during 2002. Specifically, the complainant claims that the respondent exceeded the aggregate \$25,000 contribution limitation by \$9,750. The respondent denied the allegations and supplied two \$5,000 canceled checks (total of \$10,000), that were written to two different political committees and apparently signed by the respondent's wife, Pamela Abramoff. The respondent points out that both his and his wife's names are listed on the checks and that the two committees would appear to have mistakenly attributed the contributions to Jack Abramoff, whose name was listed first at the top of the checks. The reports filed by the two committees confirm that the checks were attributed to Mr. Abramoff, and not his wife.

In light of the amount of the alleged activity and the evidence submitted by the respondent, and after a review of the merits of MUR 5708 in furtherance of the

26044150593

Commission's priorities and resources relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).


**RECOMMENDATION**

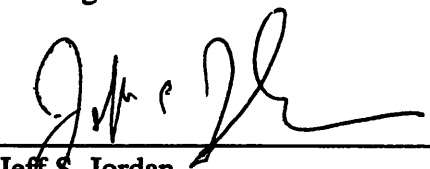
The Office of General Counsel recommends that the Commission dismiss MUR 5708, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

James A. Kahl  
Deputy General Counsel

8/27/06  
Date

BY:

  
\_\_\_\_\_  
Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

  
\_\_\_\_\_  
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

Attachment:  
Narrative in MUR 5708

1  
2  
3  
4 **MUR 5708**

5  
6 **Complainant:** Edward Wigglesworth, Analyst for  
7 Rest of US.org  
8

9 **Respondents:** Jack A. Abramoff  
10

11 **Allegations:** Complainant alleges that respondent, Jack Abramoff, violated the aggregate  
12 \$25,000 contribution limitation in 2002. The complainant lists contributions attributed to  
13 the respondent totaling \$34,750, which exceeded the annual limit by \$9,750.  
14

15 **Responses:** Respondent replied by denying he exceeded the annual limit. Specifically,  
16 the respondent submitted copies of two canceled checks, which showed that his wife,  
17 Pamela Abramoff, in fact made the two contributions at issue, which apparently exceeded  
18 the annual limit. Since both Jack Abramoff and Pamela Abramoff are listed on the  
19 checks, but Jack's name is listed first the respondent speculates that the two committees  
20 mistakenly attributed the contributions as coming from Jack Abramoff, as opposed to  
21 Pamela Abramoff.  
22

23 **General Counsel's Note:** It appears by a physical examination of the checks at issue that  
24 Pamela Abramoff signed the checks. At this point neither committee has filed amended  
25 reports with the Commission correcting the alleged error in reporting.  
26

27 **Date complaint filed:** February 22, 2006  
28

29 **Response filed:** April 17, 2006

26044150595